

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**SPECIAL SESSION
July 25, 2007**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Special Session at 10:40 a.m., July 25, 2007, in the Tom Sullivan Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1, Andrew Kunasek, District 3, Vice Chairman, Don Stapley, District 2 and Mary Rose Wilcox, District 5. Absent: Max W. Wilson, District 4. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager and Chris Keller, Chief Counsel, Civil Division. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

EXECUTIVE SESSION CALLED

Pursuant to A.R.S. §38-431.03, et.al., motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to recess into executive session to consider items listed on the Executive Agenda dated July 25, 2007, pursuant to listed statutory authority. All members remained in session when the meeting reconvened.

PERSONNEL MATTERS – PROMOTION, DEMOTION, SALARY, ETC. – ARS §38-431.03(A)(1)

E-1. Chief Deputy County Assessor, Salary Consideration - CONTINUED

Keith Russell, County Assessor
Sandi Wilson, Deputy County Manager
Shawn Nau, Director, General Government

This item was continued to the August 6, 2007, Executive Session at the request of the department.

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS
CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(3) AND (A)(4)**

**E-2. Qwest v. Arizona Department of Revenue, Maricopa County, et al., TX2001-000662
(consolidated)**

Keith Russell, County Assessor
Timothy Boncoskey, Chief Deputy Assessor, **did not attend**
Sandi Wilson, Deputy County Manager
Frank Boucek, Assistant Attorney General, State of Arizona
Jerry Fries, Outside Counsel
Jean Rice, Deputy County Attorney

E-3. Plaza de Campana v. Maricopa County, CV2004-023709

Keith Russell, County Assessor
Timothy Boncoskey, Chief Deputy Assessor, **did not attend**
Tyler Swensen, Outside Counsel
Jean Rice, Deputy County Attorney

RECESS EXECUTIVE SESSION AND RECONVENE IN OPEN SESSION

Chairman Brock reconvened the Board in open session to consider action on the following item. All Board Members remained in session.

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SPECIAL ACTION IN TAX APPEAL CASE BY PLAZA DE CAMPANA

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize Maricopa County to initiate special action in tax appeal case CV 2004-023709, Plaza de Campana v. Maricopa County, as discussed in executive session.

RECESS AND RECONVENE IN EXECUTIVE SESSION

Chairman Brock reconvened the Board in Executive Session for the following item.

E-4. Target v. Maricopa County, TX2004-000759

Keith Russell, County Assessor
Timothy Boncoskey, Chief Deputy Assessor, **did not attend**
Roberta Livesay, Outside Counsel
Jean Rice, Deputy County Attorney

RECESS EXECUTIVE SESSION AND RECONVENE IN OPEN SESSION

Chairman Brock reconvened the Board in open session to consider action on the following item. All Board Members remained in session.

APPEAL OF TAX APPEAL CASE BY TARGET

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize the appeal by Maricopa County in tax appeal case TX2004-000759, Target v. Maricopa County, as discussed in executive session.

RECONVENE IN EXECUTIVE SESSION

Chairman Brock reconvened in Executive Session to consider the remainder of the agenda.

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(3) AND (A)(4)

E-5. CIV2004-1101 – Sanabria v. Maricopa County, et al.

Peter Crowley, Risk Manager
Ted Howard, Claims Manager, Risk Management, **did not attend**
Richard Strohm, Outside Counsel
Christopher Keller, Chief Counsel
Mike Frazelle, Outside Counsel

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS
CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(3) AND (A)(4)**

E-6. Chandler Airport Center vs. Maricopa County, et al. CV2007-000884

Gary Scott, Maricopa County Land Acquisition Branch Manager
John W. Paulsen, Deputy County Attorney

LEGAL ADVICE; CONTRACT SUBJECT TO NEGOTIATION - ARS §38-431.03(A)(3) AND (A)(4)

E-7. Chandler Fire Service IGA

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Richard Bohan, Legislative Liaison, Government Relations
Russ Heisinger, GIS Manager, Assessor's Office
Kevin Costello, Deputy County Attorney
Chiefs of Staff Latto, Candland, Bloom, Isham

**LEGAL ADVICE; REAL PROPERTY PURCHASE; CONTRACTS SUBJECT TO NEGOTIATION;
PURCHASE, SALE OR LEASE OF REAL PROPERTY – ARS §38-431.03 (A)(3) (A)(4) AND (A)(7)**

E-8. Consideration to purchase Mesa property near the SE Court Complex

Tom Manos, Chief Financial Officer, **did not attend**
Dennis Lindsey, Manager, Real Estate Services
William Riske, Deputy County Attorney
Sandi Wilson, Deputy County Manager
Brian Hushek, Deputy Budget Director
Steve Conner, Director, Facilities Management

Chris Keller left the meeting because of a CAO conflict of interest in the next case.

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(3) and (A)(4)

E-9. Legal Advice regarding filing of Amicus Brief in appeal from Superior Court decision in Hounshell v. Apache County Board of Supervisors; 1CA-CV06-0728

David Smith, County Manager
Sandi Wilson, Deputy County Manager
Elizabeth Yaquinto, Director, Employee and Management Development
Daniel R. Malinski, Outside Counsel
Dean Wolcott, Outside Counsel to the Board

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at 1:40 p.m..

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board